

USDC SDNY
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Motion to Preclude Probable

2023 DEC 29 PM 2:10

Cause defense

In the criminal complaint associated with this matter, the defendants stated that the Plaintiff was arrested for criminal trespassing after hotel employees asked him to leave the hotel lobby several times and he refused.

The area where the Plaintiff was arrested at was under surveillance by the hotel and if the defendants are going to utilize these facts as Probable Cause, the Plaintiff would like these defendants to disclose the surveillance footage that they reviewed (showing the events) that assisted them in making their determination to arrest the Plaintiff.


If in fact the Plaintiff was approached by hotel employees, several times, this event would of been captured by the hotel's surveillance footage of the lobby. However, if this wasn't the case, this event would not have been captured on the video footage of the incident.

Even if the hotel employees called 911 on the Plaintiff for merely sitting in the hotel lobby, once officers falsely arrested the Plaintiff without Probable Cause, upon arriving and later fabricated the facts of the criminal complaint to establish Probable Cause to arrest, the Plaintiff Fourth amendment protections were violated and these defendants are liable.

The Plaintiff was not banned from this hotel nor was he causing a disturbance at the time of his arrest. Contrary to the facts documented on the criminal complaint, the Plaintiff was never asked to leave the hotel by an officer or a hotel employee.

Instead the Plaintiff was accused by officers upon arrival of refusing to leave then arrested for refusing to leave by officers violently throwing him to the ground.

Therefore, your honor, if these officers can not produce body camera footage of the plaintiff verbally stating he refuses to leave the hotel lobby or surveillance footage of the hotel employees approaching the plaintiff several times obviously instructing him to leave (even though there is no audio), these defendants should be precluded from raising this defense.

Name: Robert Derek Lorch Jr. Date: 12/25/2023 Signature: 

Docket #: 23-cv-6704

Dear U.S.D.J. Jessica

G. Clarke,

The criminal charges associated with this civil action has been dismissed and I'm writing this court to make it aware of the status of those charges.

Your honor, to be completely honest I really would like criminal charges brought against these officers but I don't know how to go about doing it; I'm tired of NYPD officers assaulting me with impunity (as well as falsely arresting me).

If citizens are not able to exhibit certain conduct without being penalized, law enforcement should not be able to as well. It seems as if my constitutional protections only exist in the courtroom and never on the street.

I have at least 7 lawsuits against NYPD and the sad part is that they are guilty of every claim that I brought against them. Officers during civil proceedings have edited their body cam footage to avoid liability, testified falsely during depositions and responded with false facts to my complaints to justify their unlawful actions.

New York City Police Officers may enforce the law, however, they can be careless about obeying the same law they enforce. Every time I'm unlawfully arrested, it feels as if I'm being kidnapped.

It doesn't matter if I'm on the way to see my dying mother or sick child (just an example); if NYPD officers feel like arresting me without probable cause, I'm now rendered helpless and have to go wherever they want to take me.

This system has to do better, your honor. You preside over two civil cases of mine in which officers falsely arrested me for absolutely no reason.

Respectfully,

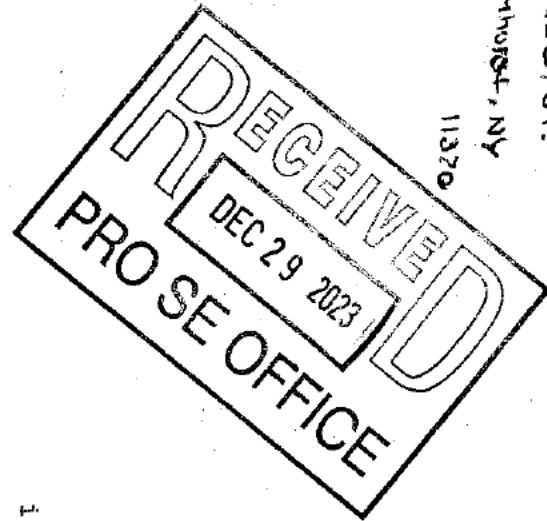
Name: Robert Derek Lurch Jr.

Date: 12/23/2023

Signature: 

Docket #: 23-cv-6704 (JGLC)

Robert Derek Lorch Sr.
Bkfst: 3102300365
GRVC
09-09 HAZEN ST.
East Elmhurst, NY
11370



The Court construes the instant letter to be a motion to dismiss an affirmative probable cause defense. The motion is denied without prejudice to renew as premature as Defendants have not yet filed an answer to the Amended Complaint.

SO ORDERED:

2/2/2024

A handwritten signature in black ink, appearing to be "R. Lehrburger".

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

10007-133059
(Legal mail)

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Southern District of New York
United States District Court
500 Pearl St.
New York, NY 10007

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